

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-4, 10-17, 23-26, 28-30, 36, 37, and 46 are currently pending in this application. Claims 29, 36, 37, and 46 have been canceled by this reply. Claims 1, 14, 26, and 28, are independent. The remaining claims depend, directly or indirectly, from claims 1, 14, and 28.

Claim Amendments

Independent claims 1, 14, 26, 28, and 29 have been amended to clarify the present invention as recited. Specifically, the independent claims now recite that the application data table is used to determine an action associated with the applications of a service, when changing between services. Further, the amended claims recite that the application data table includes a service description and an application description. No new subject matter is added by way of these amendments. Support for these amendments may be found, for example, on pages 28, lines 26-28, and 32, lines 8-12.

Rejections under 35 U.S.C. § 101

Claims 29, 36, 37, and 46 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Claims 29, 36, 37, and 46 have been canceled by this reply, thus this rejection is now moot.

Rejections under 35 U.S.C. § 102

Claims 1-2, 4, 10-15, 17, 23-26, 29, 36, and 37 stand rejected under 35 U.S.C. § 102(a) as being anticipated by DVB Document AO38 "Specification for Service Information (SI) in Digital Video Broadcasting (DVB) Systems," March 1998 ("DVB"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Turning to the rejection of the claims, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. *See* MPEP §2131. The Applicant respectfully asserts that DVB does not disclose each and every limitation of the amended independent claims.

Specifically, the Examiner cites the Service Information (SI) Table and the bouquet association sub-table (BAT) as being equivalent to the application data table of the present invention (*see* Office Action mailed February 21, 2007, page 3). While the SI Table may include application and service data, it is clear from the disclosure on pages 8-10 of DVB that neither the SI table nor the BAT sub-table include information that is used to determine whether an action associated with an application, where the action is one of downloading, maintaining, and deleting an application associated with a service bouquet. The Examiner cites version updates disclosed in DVB as being equivalent to the above limitation (*see* Office Action mailed February 21, 2007, page 5). However, while version update may require downloading newer versions of an application, this is clearly distinct from using an application data table to determine whether an application should be downloaded, maintained, or deleted based on characteristics of the applications stored in the table. Downloading an application in the present invention does not include downloading a newer version of an application; rather, an application

is downloaded if it is not already present in the decoder and a selected service requires it (*see* specification, pages 30 and 32). Further, DVB also fails to disclose that an action associated with an application is determined *when switching between services* or service bouquet, as required by the amended independent claims.

In view of the above, it is clear that DVB fails to disclose each and every limitation of the amended independent claims. Thus, amended independent claims 1, 14, and 26 are patentable over DVB. Dependent claims 2-4, 10-13, 15-17, and 23-25 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3, 16, 28, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DVB. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, DVB fails to teach or suggest the limitations of the amended independent claims. Thus, independent claims 1 and 14 are patentable over DVB. Independent claim 28 has been amended to include similar subject matter and is patentable over DVB for at least the same reasons as independent claims 1 and 14. Dependent claims 3, 16, and 30 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Further, with respect to dependent claims 3 and 16, the Examiner takes Official Notice that electronically signing the data containing with the application data table was well known in the art at the time the invention was made. It appears that the Examiner is relying on personal knowledge clearly not present in or taught by DVB to form part of this rejection. To the extent

that the Examiner is relying on personal knowledge as the basis of this rejection, Applicant respectfully requests that the Examiner, pursuant to 37 C.F.R. § 1.104(d)(2), supply a declaration setting forth specific factual statements and explanation to support such a finding so that these facts can be appropriately cross-examined and rebutted.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/030001).

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Respectfully submitted,

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